

STATE OF MARYLAND POLICY

SUBJECT: Telework Policy (Post Pandemic)

Effective: April 14, 2021



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AUTHORITY: Annotated Code of Maryland, State Personnel and Pensions Article, Section 2-308, Code of Maryland Regulations, Title 17, Subtitle 04, Chapter 11, Section .02 B(1)(a).

1. STATEMENT OF POLICY

The State views telework as a valuable tool in recruiting and retaining a high caliber workforce, reducing traffic congestion, improving air quality, increasing productivity, and enhancing the work/life balance of employees.

2. DEFINITIONS

- 2.1 Remote Work Site - An employee work location that is not a State Work Site.
- 2.2 State Work Site – Any building, facility or location managed or leased by the State for the purposes of allowing employees to work.
- 2.3 Telework Eligible Classification – A job classification designated by the Secretary of Budget and Management that may allow employees to work from a Remote Work Site.
- 2.4 Full-time telework – Work status where all primary work hours are performed from a Remote Work Site.
- 2.5 Hybrid telework – Work status where work hours are performed from a Remote Work Site and a State Work Site.
- 2.6 Performance metrics – A set of quantifiable work expectations for employees.
- 2.7 Teleworker – An employee who works from a Remote Work Site.

3. TELEWORK ELIGIBILITY

3.1 The Secretary of Budget and Management shall create and maintain a list of Telework Eligible Classifications.

3.2 Agency heads shall determine which positions in Telework Eligible Classifications may be:

- a. Full-time telework; or
- b. Hybrid telework.

3.3 Employees in classifications not on the list of Telework Eligible Classifications may not be in a full-time or hybrid telework status.

4. EMPLOYEE PARTICIPATION

4.1 Except as specified in Section 5, teleworking is voluntary and may be terminated by the supervisor, or the employee, with approval of the supervisor, at any time.

4.2 Before being allowed to telework, an employee shall review and sign:

- a. the Telework Agreement;
- b. pre-established performance metrics as defined by their supervisor; and
- c. the employee's Position Description if the employee does not have an updated Position Description on file.

4.3 Adherence to the State's personnel laws, regulations, and policies is required and is unaffected by an employee's status as a teleworker or while the employee is working at a Remote Work Site.

4.4 Appropriate disciplinary action may be taken against an employee for failing to comply with the provisions of the Teleworking Agreement, failing to meet performance metrics or for violating any other personnel law, regulation, or policy while on duty.

5. AGENCY OFFICE SPACE ASSESSMENTS

5.1 An agency head may designate positions in Telework Eligible Classifications as full-time telework or hybrid telework as part of an agency initiative to address office space needs.

5.2 If a position is designated as full-time telework or hybrid telework as part of an agency initiative to address office space needs, telework is mandatory.

5.3 Prior to initiating an agency office space assessment initiative, employees must be provided with at least 30 days' notice of the implementation of an office space assessment initiative and the institution of mandatory telework.

5.4 After notification, employees and supervisors may mutually agree to institute mandatory telework sooner than 30 days.

5.5 Once an agency has instituted mandatory telework, employees, upon request, shall be provided with the necessary equipment and supplies or reimbursed for the purchase of certain equipment and supplies as approved by the supervisor and in accordance with the State's expense reimbursement procedures.

5.6 On December 31 of each year, agency heads that mandate telework in accordance with this Section shall submit to the Secretary of Budget and Management a report which details:

- a. an itemized analysis of annual cost savings from office space downsizing;
- b. an itemized analysis of the annual equipment and supply expenditures and reimbursements for teleworkers;
- c. the number of employees mandated to telework; and
- d. an analysis of the impact of mandatory telework on employee morale, recruitment, retention, and productivity.

6. EMPLOYMENT

6.1 The teleworker's duties, obligations, responsibilities, and conditions of employment with the State will be unaffected by teleworking.

6.2 The teleworker's salary, retirement benefits, and State of Maryland sponsored insurance coverage will remain unchanged by the teleworking arrangement.

6.3 All work hours, overtime compensation, and leave usage must conform to the Annotated Code of Maryland, the Code of Maryland Regulations, the provisions of the Teleworking Agreement, any existing policy or procedure, and to the terms otherwise agreed upon by the employee and the supervisor.

6.4 All telework hours should be recorded using the appropriate worktag in Workday or any other timekeeping system of record used by an agency.

7. SCHEDULES

7.1 Agency supervisors shall work with employees to establish schedules based on the agency head's designation of positions as full-time telework or hybrid telework.

7.2 Supervisors may agree to allow teleworkers to work flexible hours and/or schedules.

7.3 The teleworker must have the pre-approval of the teleworker's supervisor before working overtime while in telework status.

7.4 In accordance with existing law, regulation, policy or procedure, the teleworker must receive prior supervisory approval before using annual or pandemic carryover leave, or compensatory time, and must notify the supervisor prior to use of sick or personal leave.

7.5 Leave without pay may not be used unless prior approval has been received by the teleworker's appointing authority.

8. AVAILABILITY

8.1 Teleworkers shall be available by e-mail, phone, or other communication methods established by the supervisor during work hours.

8.2 Supervisors shall establish response time requirements, deadlines for work, and the appropriate methods of communication for an employee in a telework status.

8.3 Teleworkers shall be available for on-line meetings, conference calls, trainings and other required activities as directed by the supervisor.

8.4 Teleworkers must notify their supervisor immediately of any situation that interferes with their ability to perform their job duties at the Remote Work Site and utilize the appropriate accrued time off in accordance with the applicable time off policies and procedures.

9. EQUIPMENT AND SUPPLIES

9.1 The teleworker must have a phone and a designated workspace with appropriate equipment and supplies to complete work assignments at the Remote Work Site.

9.2 Except as provided for in Section 5.5, if the teleworker does not possess the equipment and software required to telework at the Remote Work Site, the agency is not required to provide the equipment and software. In this case, the employee must report to State Work Site instead of working at a Remote Work Site.

9.3 Agencies may provide the teleworker with the following equipment:

- a. laptops;
- b. desktop computers;
- c. printers;
- d. faxes;
- e. scanners;
- f. cables;
- g. software; and
- h. internet.

9.4 Agency equipment provided to an employee shall remain the property of the agency and shall be returned to the agency upon the termination of an employee's participation in the telework program.

9.5 The use of equipment, software, data, supplies, and furniture, if provided by an agency, is limited to use by authorized persons and for authorized purposes related to State business only.

9.6 The teleworker will be responsible for the security of all items furnished by the State.

9.9 The teleworker may obtain from a State Work Site supplies needed for work at the Remote Work Site with supervisory approval.

10. WORKSPACE

10.1 The teleworker must have an area designated as workspace.

10.2 The workspace should be maintained in a safe condition, free of hazards that might endanger the employee or result in damage or loss of agency equipment or property.

11. EXPENSES

11.1 Work-related long distance phone calls should be planned for in-office days whenever possible.

11.2 Expenses for long distance calls that must be made from a teleworker's home may be reimbursed if the reason and cost for the call are documented and approved by the supervisor.

11.3 The teleworker is responsible for the cost of maintenance, repair and operation of personal equipment that has not been provided by the State.

11.4 Expenses for supplies regularly available at the main office will not be reimbursed unless pre-purchase approval has been granted by the teleworker's supervisor.

12. LIABILITY FOR INJURIES WHILE TELEWORKING

12.1 The teleworker is covered under the State's Workers' Compensation Law for injuries occurring during the actual performance of official duties at the Remote Work Site.

12.2 The teleworker or someone acting on the teleworker's behalf shall immediately notify the teleworker's supervisor of any accident or injury that occurs at the Remote Work Site.

12.3 The agency and the supervisor must follow the State's policies regarding the reporting of injuries for employees injured while at work.

12.4 The agency is not liable for damages to the teleworker's personal or real property while the teleworker is working at the Remote Work Site, except to the extent required under Maryland law.

13. CHILD/DEPENDENT CARE/PERSONAL BUSINESS

13.1 Teleworking is not a substitute for child or dependent care.

13.2 The teleworker must continue to arrange for child or dependent care to the same extent as if the teleworker were working at a State Work Site.

13.3 The teleworker must refrain from conducting personal business while on work status at the Remote Work Site.

14. INSPECTIONS

14.1 The supervisor may make an on-site visit to the teleworker's Remote Work Site during the employee's scheduled telework hours for the purposes of verifying that the employee is teleworking as scheduled, determining that the site is safe and free from hazards and to maintain, repair, inspect or retrieve agency-owned equipment, software, data, or supplies.

14.2 On-site visits may be scheduled or unscheduled.

15. PROHIBITED ACTIONS

15.1 Except for participating in on-line meetings and calls, teleworkers may not hold work-related meetings in the employee's home.

15.2 Teleworkers may not:

- a. work under the inappropriate influence of prescription drugs or over-the-counter drugs;
- b. work under the influence of a controlled dangerous substance; or
- c. work under the influence of alcohol.

16. CONFIDENTIAL INFORMATION

16.1 The teleworker and the supervisor shall establish appropriate safeguards to secure confidential data and information.

16.2 The teleworker is responsible for ensuring that confidential information is handled in a manner designed to protect this information while at the Remote Work Site.

17. TRAVEL EXPENSES

Teleworkers shall not be paid for time or mileage involved in travel between the Remote Work Site and the employee's assigned State Work Site.

18. INCLEMENT WEATHER AND EMERGENCY CONDITIONS

Unless approved to take leave, an employee who is scheduled to work at a Remote Work Site must work during a State closure of the employee's assigned State Work Site that is due to inclement weather or other emergency condition unless directed otherwise by their appointing authority.